

seem that Statutory Declarations mean declarations made according to the *provisions* of Statutes. Now, a declaration made according to the *provisions* of the Statute respecting extra-judicial oaths, is not a Statutory Declaration until it is made before a person authorized by that Act to take it, viz., a Judge, Justice of the Peace, or Notary Public. Reading this enactment thus, the effect is nugatory. But in order to make it effective, "Statutory Declarations" must mean declarations in the *form* and upon the occasions prescribed by Statutes. Adopting this interpretation, this enactment means that Commissioners may take declarations in the form set out in the schedule to the Extra-Judicial Oaths Act, or in any other form or upon any occasion authorized by any Dominion or Ontario Act. R.S.O., Cap. 62, sec. 12, defines the powers of Commissioners, and it is there enacted that Commissioners have power to take affidavits and affirmations in matters before the Courts, or where affidavits or affirmations are authorized to be made by Statute. The new Act, therefore, in question, is practically an amendment of this section. In order to have the desired effect it must be taken to establish a form of Statutory Declaration in Ontario such as is now authorized by the Dominion Act. It remains to consider whether a person declaring falsely in such a declaration is guilty of a misdemeanor, for unless criminality attaches to a declaration, if false, it would be of no more value than an ordinary statement. The original Act, 37 Vict., Cap. 37, entitled "An Act for the suppression of voluntary and extra-judicial oaths," which remained in its original form up to the passing of the Revised Statutes of Canada in 1886, contained a provision "that if any declaration made in pursuance thereof be false or untrue in any material particular, the person making such false declaration shall be deemed guilty of a misdemeanour." This provision, it will be noticed, is not to be found in the Revised Statutes, and we must look elsewhere to find criminality imposed upon false declarations. The Perjury Act provides for this, enacting that everyone who wilfully and corruptly declares falsely in any declaration in any case in which by any Act or law in force in Canada or in *any Province* of Canada it is required or authorized that facts be verified by declaration, is guilty of wilful and corrupt perjury. Now, if by the enactment passed by the Ontario Legislature this last Session, declarations in the form and on the occasions set out in the Act respecting extra-judicial oaths are authorized to be taken by Commissioners, such declarations come within the purview of the Perjury Act, inasmuch as they are declarations authorized by an Act in force in a Province of Canada. And so it may be argued that in this somewhat roundabout fashion, declarations made before Commissioners will in future be valid, and criminality will attach to false statements made therein.

But this reasoning is unsatisfactory, for it cannot be said that a Statutory Declaration, *made before a Commissioner*, is made "by virtue of the Statute respecting extra-judicial oaths," as expressed in the form given in the Dominion Act, which form, it will be noted, is imperative. It should be expressed not only as made "by virtue of the Act respecting extra-judicial oaths," but also "by virtue of the Act passed by the Legislature of Ontario in the 53rd year of